

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

The Estate of ZELJKO DOJCINOVIC,
deceased, by its Personal Representative
DANES DOJCINOVIC, *et al.*,

Plaintiffs,

v.

Case No. 20-12134

CITIZENS INSURANCE COMPANY OF THE
MIDWEST, *et al.*,

Defendants.

**ORDER GRANTING AS UNOPPOSED DEFENDANT'S MOTION TO COMPEL
DISCOVERY RESPONSES**

Currently before the court is Defendant Citizen Insurance's March 12, 2021 motion to compel discovery responses. (ECF No. 25.)

According to the motion, on January 22, 2021, counsel for Defendant served on Plaintiffs its first requests for production and interrogatories. (*Id.*, PageID.160.) After 30 days had elapsed without a response, Defendant's counsel sent an email on February 25, 2021 to Plaintiffs' counsel of record inquiring about the status of the discovery responses (ECF No. 25-3, PageID.178) but no reply was received. On March 9, 2021, Defendant's counsel sent a follow up email advising Plaintiffs that Defendant planned to file the present motion to compel discovery responses. (ECF No. 25-4, PageID.180.) This email was also never acknowledged. (ECF No. 25, PageID.160.)

Defendant filed the instant motion to compel on March 12, 2021, seeking an order compelling Plaintiffs to respond to the requests for production and interrogatories. "Responses to all motions, except those listed in subparagraph 2(A)

below, must be filed within 14 days after service of the motion.” E.D. Mich. LR 7.1(e)(1)(A). Yet to date, Plaintiffs have not responded to the present motion, despite that the fact that the 14-day deadline expired on or about March 26, 2021.

The local court rules of the Eastern District of Michigan required Plaintiff to file a response if he wished to oppose Defendant’s motion to compel. See E.D. Mich. LR 7.1(c)(1) (“A respondent opposing a motion *must* file a response, including a brief and supporting documents then available.”) (emphasis added). Opposition to a motion is deemed waived if the responding party fails to respond or otherwise oppose the motion. See *Humphrey v. United State Attorney General’s Office*, 279 F. App’x 328, 331 (6th Cir. 2008). Because Plaintiff has not responded to Defendant’s motion to compel discovery responses, Defendant’s motion can and will be construed as unopposed. Accordingly,

IT IS ORDERED that Defendant’s Motion to Compel Discovery Responses (ECF No. 25) is GRANTED as unopposed, and Plaintiffs must respond to Defendant’s first requests for production and interrogatories (ECF No. 25-2), and produce all responsive documents, by **April 16, 2021**.

IT IS FURTHER ORDERED that costs and attorney fees are awarded to Defendant pursuant to Fed. R. Civ. P. 37(a)(5)(A), in pursuit of which Defendants’ counsel may file a statement of costs and attorney fees by **April 9, 2021**, and in response to which Plaintiffs may file specific objections by **April 14, 2021**.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 2, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 2, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

S:\Cleveland\Cleland\AAB\Opinions and Orders\Civil\20-12134.ZELJKO.GrantedMotionToCompel.AAB.docx